

The background of the entire page is a solid dark blue. Overlaid on this are several large, overlapping circles in a vibrant teal color. The circles are positioned in a way that they create a sense of depth and movement. The EBU logo is located in the top left corner, consisting of the letters 'EBU' in a bold, white, sans-serif font. Below the logo, the text 'OPERATING EUROVISION AND EURORADIO' is written in a smaller, white, sans-serif font.

EBU

OPERATING EUROVISION AND EURORADIO

PSM AND
PROMINENCE
**FINDING PSM IN THE
DIGITAL SPACE**

JANUARY 2021

PSM AND PROMINENCE

FINDING PSM IN THE DIGITAL SPACE



As IP-delivery becomes an important means of content delivery in Europe and audience behaviour is changing (particularly that of younger audience), PSM is increasingly dependent on powerful global platforms and interfaces to deliver their services, some of which are vertically integrated competitors. PSM lack the bargaining power to insist on inclusion on such platforms and the findability/prominence of their services.

PSM risk losing their audience in the future and their ability to fulfil their democratic, social and cultural role in society.

REGULATION

Regulatory intervention is necessary to protect PSM services and ensure they remain universally accessible for all.

The EBU lobbied for Article 7A Audiovisual Media Services Directive 2018 (AVMSD) which expressly promotes Member States' broad discretion to ensure the prominence of general interest content. The AVMSD provision does not proscribe any particular form of prominence and whether or not to introduce such measures remains entirely in the discretion of Member States, respecting their competence to regulate cultural matters (including promoting media pluralism). As at January, 2021, only Germany and France have adopted a specific rule. The UK's regulator has made proposals, which are pending.

It is imperative that EBU Members lobby national authorities and governments for an adequate prominence condition now to safeguard PSM across Europe.

ART. 7A - SCOPE

OPTIONAL FOR MEMBERS STATES

Member States have only a discretion not an obligation

WHO IS THE ADDRESSEE OF THE RULE?

Not specified – Member State to define

WHO IS THE BENEFICIARY OF THE RULE?

AVMS of general interest (linear and non-linear avms)

FORMS OF PROMINENCE?

Not specified – Member State to define

GENERAL INTEREST OBJECTIVES (RECITAL 25)

Member States to clearly define content of general interest with reference to objectives such as media pluralism, freedom of speech and cultural diversity

PRINCIPLES OF PROPORTIONALITY (RECITAL 25)

Member States must ensure that any obligations on undertakings are proportionate and in the interests of legitimate public policy considerations.

WHAT NATIONAL RULES SHOULD MEMBERS LOBBY FOR?

- **Beneficiaries should be content services of general interest:** linear and non-linear programme (also programme items/disaggregated content) services by PSM (audiovisual and audio/radio); may include content by commercial providers (e.g. based on criteria, determined by regulator).
- **Addressee:** at a minimum should be main providers of user interfaces used for accessing/distributing audio and audiovisual media services (e.g. SmartTV operators).

- **What is prominence:** general interest content should be easy to access and find (e.g. on the first level of the user interface). It could be principles-based for maximum flexibility and adapted to national media markets.
- **Overall justification:** ensure accessibility of PSM to all for: protection of general interest objectives like freedom of expression, diversity of opinions, right to information; to counter disinformation; promotion of varied and quality content for all audiences; to allow citizens to discover content they fund (e.g. through license fee).



ABOUT THE EBU LEGAL & POLICY DEPARTMENT

In a fast-changing technological, political and regulatory environment, we advise our members on specific regulatory issues, offering practical solutions in the fields of EU and national competition, copyright and media law that are specific to their needs.

We analyse proposals, explore the implications with legislators and promote a legal framework which allows our Members to operate with optimum efficiency whilst continuing to contribute to the democratic, social and cultural needs of society.

We also manage EBU membership and statutory matters and advise on all EBU contracts, including the Eurovision Song Contest, sports, news and networks.

FOR FURTHER INFORMATION

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